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 FED. I.D. NO. 99-0175383

September 20, 2007

### VIA HAND DELIVERY

The Honorable Susan Oki Mollway  
 Judge, United States Courthouse  
 Prince Kuhio Federal Building  
 300 Ala Moana Boulevard  
 Honolulu, Hawaii 96850

Re: Hawaii Children's Blood and Cancer Group v. Hawaii Pacific Health, et al., Civil No. CV03-00708 SOM/LEK

Dear Judge Mollway:

Mr. del Castillo's misrepresentations in his letter to you, dated September 17, 2007, are reprehensible.

While Judge Ayabe continued trial in the state action (Civil No. 02-1-0090-01 (BIA)) to allow plaintiffs to review documents which we are now producing to them, Judge Ayabe did not find that defendants have committed "discovery fraud" and did not order the reopening of discovery.

In this connection, I enclose herewith the face sheet of plaintiffs' egregiously over-reaching Motion for Sanctions, etc., and a copy of the last page of the transcript of the hearing of plaintiffs' Motion. As you can see, Judge Ayabe granted the Motion with respect to a trial continuance (my clients and I agreed to continue trial before the hearing) and he denied plaintiffs' Motion in all other respects. As you can see from a portion of the transcript which is attached, Judge Ayabe mentions absolutely nothing about discovery fraud or re-opening discovery. As Judge Ayabe stated on the record, he found no credible evidence to support plaintiffs' counsels' claims for sanctions or that discovery fraud has occurred and there is no mention of re-opening discovery, as Mr. del Castillo has represented to you.<sup>1</sup>

Further, all statements to you beyond the continuance of trial in the state case are irrelevant to the issues in this lawsuit. As such, I ask that you disregard all statements in Mr. del Castillo's letter, other than the fact that the trial in the First Circuit Court case has been continued to April 7, 2008.

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<sup>1</sup> Please note that "defendants" in line 8 of the transcript should be "plaintiffs."

The Honorable Susan Oki Mollway

September 20, 2007

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Inasmuch as Mr. del Castillo chose to file his letter electronically, notwithstanding this Court's Advisory of July 10, 2007 to not do so, I strongly urge Mr. del Castillo to do what he must to have his letter withdrawn from the public record. Mr. del Castillo's reference to "Defendants' discovery fraud", notwithstanding Judge Ayabe's finding that there was no credible evidence to support the same, impugns the character of my clients and their attorney. Accordingly, by copy of this letter to Mr. del Castillo I suggest strongly that he undertake whatever is necessary to have his letter withdrawn from the court files.

I apologize for burdening you with a letter of this tone, but as gentlemanly as I attempt to be, I cannot condone the misrepresentations which Mr. del Castillo has made to you and his doing so in the public record, despite having been advised by the Court previously to not do so after he had electronically filed his previous report to you.

Thank you for your kind attention to these matters.

Very truly yours,



Kenneth S. Robbins

KSR/07-0283

Enclosures

cc w/encls.:

Rafael G. del Castillo, Esq./Arleen D. Jouxson-Meyers, M.D., M.P.H., Esq. (via fax)

FIRST CIRCUIT COURT  
STATE OF HAWAII  
FILED

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F. OTAKE  
CLERK

Attorneys for Plaintiffs  
 Kelley Woodruff, M.D. and  
 Hawaii Children's Blood and Cancer Group

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

STATE OF HAWAII

KELLEY WOODRUFF, M.D. and HAWAII CHILDREN'S BLOOD AND CANCER GROUP,	) Civil No. 02-1-0090-01 (BIA)
	) (Other Civil Action)
	)
Plaintiffs,	) PLAINTIFFS' AMENDED MOTION FOR
vs.	) SANCTIONS AGAINST DEFENDANTS
HAWAII PACIFIC HEALTH;	) OR, IN THE ALTERNATIVE, TO REOPEN
KAPI'OLANI MEDICAL SPECIALISTS;	) DISCOVERY AND CONTINUE TRIAL
KAPI'OLANI MEDICAL CENTER FOR	) DATE; REDLINED VERSION OF
WOMEN AND CHILDREN; ROGER	) PLAINTIFFS' AMENDED MOTION FOR
DRUE; FRANCES A. HALLONQUIST;	) SANCTIONS AGAINST DEFENDANTS
NEAL WINN, M.D.; SHERREL	) OR, IN THE ALTERNATIVE, TO REOPEN
HAMMAR, M.D.; DELOTTE &	) DISCOVERY AND CONTINUE TRIAL
TOUCHE LLP; DENNIS M. WARREN,	) DATE; CERTIFICATE OF SERVICE
ESQ.; JOHN DOES 1-99; JANE DOES 1-	)
99; DOE ENTITIES 1-20; AND DOE	) Trial Date: October 1, 2007
GOVERNMENTAL UNITS 1-10,	)
Defendants.	) JUDGE: The Honorable Bert I. Ayabe
	)

PLAINTIFFS' AMENDED MOTION FOR SANCTIONS AGAINST DEFENDANTS,  
OR IN THE ALTERNATIVE, TO REOPEN DISCOVERY AND CONTINUE TRIAL DATE

Plaintiffs Kelley Woodruff, M.D. and Hawaii Children's Blood and Cancer Group, by and through their attorneys, Jouxson-Meyers & del Castillo, hereby respectfully move

PERMISSION TO COPY DENIED, HRS 606.13, etc.

**ORIGINAL**

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT

2 STATE OF HAWAII

3 \_\_\_\_\_ )  
4 KELLEY WOODRUFF, M.D., ) CIVIL NO. 02-1-0090  
5 Plaintiff, )  
6 vs. )  
7 HAWAII PACIFIC HEALTH, ET AL, )  
8 Defendants. )  
9

9 TRANSCRIPT OF PROCEEDINGS

10 before the HONORABLE BERT I. AYABE, Twenty-First Judge,  
11 presiding, on Tuesday, September 11, 2007. PLAINTIFF'S  
MOTION FOR SANCTIONS AGAINST DEFENDANTS OR IN THE  
ALTERNATIVE TO REOPEN DISCOVERY AND CONTINUE TRIAL DATE.

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13 APPEARANCES:

14 RAFAEL G. DEL CASTILLO, ESQ. JOHN T. KOMEIJI, ESQ.  
15 ARLEEN D. JOUXSON, ESQ. For Defendant Deloitte  
For the Plaintiff & Touche  
16  
17 KENNETH S. ROBBINS, ESQ. MICHAEL J. VAN DYKE, ESQ.  
JOHN-ANDERSON L. MEYER, ESQ. For Defendant Dennis M.  
18 CHARLES R. CHING, ESQ. Warren  
For Defendants Hawaii  
19 Pacific Health, et al  
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21  
22  
23

24 REPORTED BY  
FLORENCIA L. FINES, CSR NO. 124  
OFFICIAL COURT REPORTERS  
25 STATE OF HAWAII

FLORENCIA L. FINES, CSR NO. 124  
Official Court Reporter  
First Circuit Court  
State of Hawaii

PERMISSION TO COPY DENIED, HRS 606.13, etc.

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1 Mr. Warren was saying.

2 MR. ROBBINS: And also, Mr. Del Castillo did  
3 attach the same E-mails to his reply with respect to my  
4 client's memo in op, Your Honor.

5 THE COURT: Okay. For good cause shown on  
6 the record, the motion is granted in part with respect to  
7 the request for a continuance. The motion is denied in  
8 all other respects, including defendant's request for  
9 sanctions, as based on the credible evidence presented to  
10 the Court at this time, there are no evidence to support  
11 these sanctions being requested by the movants.

12 Mr. Robbins, will you please prepare the  
13 order for this?

14 MR. ROBBINS: I'll be happy to, Your Honor.  
15 Thank you.

16 THE COURT: Thank you.

17 (Proceedings concluded.)

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FLORENCIA L. FINES, CSR NO. 124  
Official Court Reporter  
First Circuit Court  
State of Hawaii